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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,795	02/01/2001	Travis Parry	10003180-1	2625

7590	04/01/2005

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER
BULLOCK JR, LEWIS ALEXANDER

ART UNIT	PAPER NUMBER
2195	

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 December 2004</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-22</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-22</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>01 February 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1, 2, 5-9, 12-17, 19 and 20 are rejected under 35 U.S.C. 102(e) as being

anticipated by OKIMOTO (U.S. Patent 6,160,631).

As to claim 1, OKIMOTO teaches a computer program product, comprising: a

computer-readable medium containing instructions for controlling a computer system

(col. 6, lines 30-39; col. 7, lines 42-61; col. 39, lines 54 – col. 40, line 3) to perform a

method of delaying an operation, the method comprising: requesting that a user input a

set time for the operation after an initiation of the operation (via the operator inputting

his/her instruction to print the document and inputting information in subsequent

windows, in particular the print mail transmission settings screen which allows the

operator to input settings for data and time when the print data is desired to be printed

at the destination) (col. 10, lines 6-14; col. 11, lines 3-14; col. 11, line 15 – col. 12, line

15; col. 13, line 66 – col. 14, line 33); and delaying performance by the computer

system of the operation until the set time has been met (col. 20, lines 30-46); wherein

the operation comprises at least one operation chosen from the group consisting of a

print command, an e-mailing distribution, as software installation, a file transfer protocol

upload, a web site posting and an internet phone call (via a print mail command).

As to claim 2, OKIMOTO teaches the set time for the operation includes one of: a

user chosen hour, and a user chosen hour and minute, and a time interval (date and

time) (col. 14, lines 16-33).

As to claim 5, OKIMOTO teaches the operation comprises printing a document

(col. 8, lines 59-65; col. 10, lines 6-27; col. 11, lines 3-14).

As to claim 6, OKIMOTO teaches the delaying step comprises storing the

document in a job store (predetermined storage area / transmission log storage) (col.

10, lines 6-14; col. 11, lines 3-14; col. 11, line 15 – col. 12, line 15; col. 13, line 66 – col.

14, line 33).

As to claim 7, OKIMOTO teaches the job store comprises at least one item chose

from the group consisting of a printer memory, a personal computer memory, a spooler,

a local area network, a wide area network, and an internet storage location

(predetermined storage area / transmission log storage / transmitted over a network)

(col. 10, lines 6-14; col. 11, lines 3-14; col. 11, line 15 – col. 12, line 15; col. 13, line 66 –

col. 14, line 33).

As to claims 8, 9, 12-14, reference is made to a method that corresponds to the

program product of claims 1, 2 and 5-7 and therefore is met by the rejection of claims 1,

2 and 5-7 above.

As to claims 15-17, 19 and 20, reference is made to a system that corresponds

to the program product of claims 1, 2 and 5-7 and is therefore met by the rejection of

claims 1, 2 and 5-7 above.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 3, 10, 18, 21 and 22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over OKIMOTO (U.S. Patent 6,160,631) in view of SMITH (U.S. Patent

6,359,642).

As to claims 21 and 3, OKIMOTO substantially discloses the invention above.

However, OKIMOTO does not teach the cited functionality. SMITH teaches the

operation (user selection of the print command from the print dialog box) includes an

occurrence of a particular condition, i.e. detection of an idle printer (wherein when a

user selects the document for print, a pre-start signal is sent to the change printer from

an idle mode to a print mode if printer is detected as being idle) (col. 4, lines 1-32; col.

5, line 45 – col. 6, line 27). Therefore, it would be obvious to one skilled in the art to combine the teachings of OKIMOTO with the teachings of SMITH in order to facilitate reduced print output time.

As to claims 10 and 22, reference is made to a method that corresponds to the program product of claims 3 and 21 and therefore is met by the rejection of claims 3 and 21 above.

As to claim 18, reference is made to a system that corresponds to the program product of claims 3 and 21 and is therefore met by the rejection of claims 3 and 21 above.

5.   Claims 4, 11, 18, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over OKIMOTO (U.S. Patent 6,160,631) in view of MITSUTAKE (U.S. Patent 6,240,460).

As to claims 21 and 4, OKIMOTO substantially discloses the invention above. However, OKIMOTO does not teach the cited functionality. MITSUTAKE teaches the operation includes an occurrence of a particular condition, i.e. the detection of bandwidth available of a network connection (detecting bandwidth use for the transmitter and receiver) (col. 8, lines 1-7; col. 8, lines 47 – col. 9, line 67). Therefore, it would be obvious to one skilled in the art to combine the teachings of OKIMOTO with

the teachings of MITSUTAKE in order to facilitate efficient bandwidth usage in performing a print service.

As to claims 11 and 22, reference is made to a method that corresponds to the program product of claims 4 and 21 and therefore is met by the rejection of claims 4 and 21 above.

As to claims 18, reference is made to a system that corresponds to the program product of claims 4 and 21 and is therefore met by the rejection of claims 4 and 21 above.
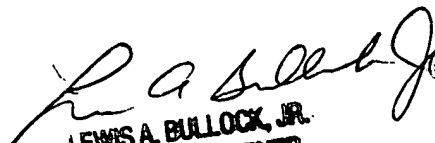
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (571) 272-3759. The examiner can normally be reached on Monday-Friday, 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

LEWIS A. BULLOCK, JR.
PRIMARY EXAMINER

March 29, 2005